IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 9618 of 2007(T)

PETITIONER:

ARAVINDAKSHAN, S/O.VASU, EDAMPARAMBIL HOUSE, BANK ROAD, ALATHUR P.O., ALATHUR.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS SECRETARY, VAIDUTHY BHAVAN, THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER, ELECTRICAL DIVISION, KSEB, ALATHUR, ALATHUR.

3. THE TAHSILDAR (R.R), TALUK OFFICE, ALATHUR.

BY ADV. SRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.9618 of 2007-T

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Dated this the 9th day of October, 2007.

JUDGMENT

1. The petitioner challenges revenue recovery proceedings initiated against an item of immovable property on account of dues to the KSE Board. The bills were not disputed. The revenue recovery proceedings is challenged by stating that certain untoward incidents had led the premises to be closed down and that the payment could not be made.

2. As of now, it is pointed out by the learned counsel for the petitioner that the property being proceeded against has already been taken over by the State for widening of the road, however that compensation under the Land Acquisition Act is yet to be realized since the petitioner

is unable to produce the possession certificate because the village authorities are not issuing the same on account of the revenue recovery proceedings.

3. The facts noted above would show that the petitioner has really no ground to challenge the recovery proceedings.

4. Under the aforesaid circumstances, the learned counsel for the petitioner submitted that his client is willing to pay off the entire outstandings, if some facility by way of instalments is extended.

5. Hence, while affirming the recovery proceedings, this writ petition is disposed of directing that if the petitioner pays the entire outstandings and all accruals by remitting at the rate of Rs.7,000/- per month payable on or before the 25th of every month commencing from October, 2007, the distress action by way of the impugned sale will stand postponed thereby enabling the petitioner to wipe off the entire outstandings. If the petitioner commits default in remitting any of the

instalments as aforesaid, he will not be entitled to the benefit of this judgment and the respondents shall forthwith proceed with the recovery action without any further notice.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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